

April 17, 2017

Representative Brian Clem, Chair  
House Committee on Agriculture and Natural Resources  
Oregon State Capitol  
Salem, Oregon 97301

**RE: HB 3429, "Skates"**

Dear Chair Clem and Members of the Committee:

Oceana submitted a letter on April 12, 2017 opposing HB 3429 that would weaken anti-wildlife trafficking Measure 100.<sup>1</sup> During last week's Committee hearing on HB 3429 we learned there are concerns that Measure 100 would impact Oregon commercial fisheries landing skates. Species covered by Measure 100 include "sharks and rays" and while skates are related to sharks and rays, they are indeed in a separate taxonomic family (Rajidae). We write to clarify, however, that regardless of taxonomic family, Oregon fisheries landing skates would not be impacted by Measure 100 because skates off Oregon are subject to the federal Pacific Coast Groundfish Fishery Management Plan (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Measure 100 included exemptions to avoid impacting Oregon fisheries. Measure 100 specifically excludes spiny dogfish (a type of shark) that make up over 98% of shark landings in Oregon.<sup>2</sup> What is more, prohibitions in Measure 100 do not apply, "When the activity involves a species that is subject to a federal management plan under Title III of P.L. 94-265 (16 U.S.C. §§ 1851-1869), as amended."<sup>3</sup> This means fisheries and fish species managed under a federal FMP in accordance with the MSA are exempt from the list of covered species.

---

<sup>1</sup> B. Entickap (Oceana) Letter to Representative Brian Clem (April 12, 2017). Available at: <https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/119919>

<sup>2</sup> Mr. Ed Bowles (Oregon Department of Fish and Wildlife). Letter to Ms. Eileen Sobeck (NOAA). (April 18, 2014) finding Oregon's shark fin law is consistent with the Magnuson Stevens Act. Accessed at: [http://www.nmfs.noaa.gov/sfa/laws\\_policies/sca/documents/oregon.pdf](http://www.nmfs.noaa.gov/sfa/laws_policies/sca/documents/oregon.pdf)

<sup>3</sup> Or. Rev. Stat. § 498.022(2)(b)(C) (citing the National Fishery Management Program established under the MSA).

Regarding Oregon fisheries landing skates, the Pacific Coast Groundfish FMP actively manages big skate (*Raja binoculata*) and longnose skate (*Raja rhina*) and all other skates native to the U.S. Pacific coast are included in the FMP as “ecosystem component species”, meaning that they are not targeted or generally retained for sale.<sup>4</sup> Of all skates landed in Oregon in 2016, 65.7 percent were longnose skate (621.4 metric tons), 33.7 percent were big skate (318.3 metric tons) and 0.6 percent was documented as “unspecified” skates (six metric tons).<sup>5</sup> None of these skate landings would be impacted by Measure 100 because they are subject to, and managed under, the Pacific Coast Groundfish FMP.

Measure 100 provides meaningful policy change to safeguard global wildlife including sea turtles, whales, sharks and rays. Please reject HB 3429, which contravenes the will of Oregon voters and would roll back efforts to protect global shark and ray species.

Sincerely,



Ben Enticknap  
Pacific Campaign Manager and Senior Scientist  
Oceana

---

<sup>4</sup> Pacific Coast Groundfish Fishery Management Plan. August 2016. Pacific Fishery Management Council. At, 15-17. Available at: [http://www.pcouncil.org/wp-content/uploads/2017/03/GF\\_FMP\\_FinalThruA27-Aug2016.pdf](http://www.pcouncil.org/wp-content/uploads/2017/03/GF_FMP_FinalThruA27-Aug2016.pdf)

<sup>5</sup> Pacific Fisheries Information Network. All species report. Accessed on 4.17.17.